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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,392	01/21/2004	Sheng Shun Yen	BHT-3092-413	1298
7590 03/08/2007				
BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041		EXAMINER GYORFI, THOMAS A		
		ART UNIT 2135		PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/08/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/760,392

Applicant(s)

YEN, SHENG SHUN

Examiner

Tom Gyorfi

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-9 are pending examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation “a reserved block in which users are not allowed to...format card or this block” (emphasis Examiner’s). It is unclear if the prohibition against formatting is intended to apply to only the reserved block recited in the claim or the entire memory of the USB device. Claim 8 is rejected by virtue of its dependency on claim 7.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2135

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiao et al. (U.S. Patent 6,904,493).

Regarding claim 1:

Chiao discloses a USB data processing card, comprising: at least one set of USB signals, for transmitting data (col. 2, lines 55-60); a controller and a memory unit for selectively writing a processed data into a memory unit and transmitting the data in said memory unit to the interface (col. 3, lines 5-10); and an encryption unit, for providing a encrypting capability to said controller and a data protection function (col. 3, lines 25-30)

Regarding claim 2:

Chiao further discloses at least one memory device (Figures 2 and 4).

Regarding claim 3:

Chiao further discloses wherein said controller and said memory unit are integrated into one chip (Figure 2).

Art Unit: 2135

Regarding claim 4:

Chiao further discloses wherein said controller and said encryption unit are integrated into one chip (Figure 4).

Regarding claim 7:

Chiao further discloses wherein said memory unit is divided into a plurality of blocks including a reserved block in which users are not allowed to read, write, delete, modify data, or format card or this block (col. 4, lines 5-20; Figures 2 and 4).

Regarding claim 8:

Chiao further discloses providing an appropriate program that allows the specific user to read, write, delete, modify data, or format block in said reserved block (Ibid).

Regarding claim 9:

Chiao further discloses wherein said data processing card is designed with an intelligent stick structure (Figure 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiao as applied to claim 1 above, and further in view of "Applied Cryptography, 2nd Edition" (hereinafter, "Schneier").

Regarding claim 6:

Although Chiao does not explicitly disclose what type of encryption algorithm is used in that invention, Examiner takes Official Notice that the options listed in the claim (symmetric algorithm, asymmetric algorithm, and hash) represent the entire domain of discourse with regards to encryption algorithms in general (i.e., every possible encryption algorithm falls into at least one of those categories).

Alternatively, Examiner observes that hashing with respect to passwords/pass codes and the like has been well known in the art (Schneier, page 52, "Authentication Using One-Way Functions"; cf. page 30, "One-Way Hash Functions"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to hash the pass code disclosed by Chiao. The motivation for doing so would be to mitigate the threat of someone compromising the storage area where the passcode is stored in order to defeat the protection (Ibid).

Regarding claim 5:

Chiao does not disclose using a random number generator for generating a key for data encryption or protection. However, the ability to use random number as part of hashing process to generate a key for data protection has been well known in the art

Art Unit: 2135

(Schneier, page 52, "Dictionary Attacks and Salt"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a random number generator to create the random salt value to generate a key for data protection in Chiao. The motivation for doing so would be to defend against dictionary attacks against the user's passcode (Schneier, Ibid).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patents 7,168,092; 7,039,759; 6,880,054; 6,848,045; 6,763,399; 6,012,145; and 5,835,594
- U.S. Pre-grant Publications 2006/0130128 and 2003/0204735
- PCT Publication WO 00/55707 A1
- "Lexar Media Keeps Data Safe With Extra Rugged Jumpdrive Secure" ©2003 Lexar Media Inc.
- "Lexar Safe Guard User Guide" ©2003 Lexar Media Inc.

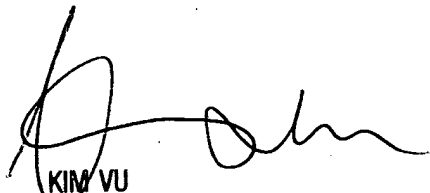
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfí whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
2/27/07



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